

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Elizabeth Carley,

Case No. 2:17-cv-02346-JAD-VCF

v

Plaintiff,

ORDER

Dwight Neven, et al.,

Defendants.

14 This action is a pro se civil rights complaint filed under 42 U.S.C. § 1983 by a state
15 prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. (ECF No.
16 1.) Based on the financial information provided, the Court finds that Plaintiff is unable to
17 prepay the full filing fee in this matter.

18 The Court entered a screening order on July 17, 2018. (ECF No. 4.) The screening
19 order imposed a 90-day stay and the Court entered a subsequent order in which the
20 parties were assigned to mediation by a court-appointed mediator. (ECF Nos. 4, 7.) The
21 Office of the Attorney General has filed a status report indicating that settlement has not
22 been reached and informing the Court of its intent to proceed with this action. (ECF No.
23 9.)

24 | For the foregoing reasons, **IT IS ORDERED** that:

25 1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is
26 **GRANTED.** Plaintiff will not be required to pay an initial installment of the filing fee. In the
27 event that this action is dismissed, the full filing fee must still be paid under 28 U.S.C. §
28 1915(b)(2).

1 2. The movant herein is permitted to maintain this action to conclusion without
2 the necessity of prepayment of any additional fees or costs or the giving of security
3 therefor. This order granting leave to proceed *in forma pauperis* will not extend to the
4 issuance and/or service of subpoenas at government expense.

5 3. Under 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections must
6 pay to the Clerk of the United States District Court, District of Nevada, 20% of the
7 preceding month's deposits to Plaintiff's account (**Elizabeth Carley, #1095997**), in the
8 months that the account exceeds \$10.00, until the full \$350.00 filing fee has been paid
9 for this action. The Clerk of the Court will **SEND** a copy of this order to the Finance Division
10 of the Clerk's Office. The Clerk of the Court will also **SEND** a copy of this order to the
11 attention of the Chief of Inmate Services for the Nevada Department of Corrections, P.O.
12 Box 7011, Carson City, NV 89702.

13 4. The Clerk of the Court will electronically **SERVE** a copy of this order and a
14 copy of Plaintiff's complaint (ECF No. 5) on the Office of the Attorney General of the State
15 of Nevada by adding the Attorney General of the State of Nevada to the docket sheet.
16 This does not indicate acceptance of service.

17 5. Service must be perfected within ninety (90) days from the date of this order
18 under Fed. R. Civ. P. 4(m).

19 6. Subject to the findings of the screening order (ECF No. 4), within twenty-
20 one (21) days of the date of entry of this order, the Attorney General's Office must file a
21 notice advising the Court and Plaintiff of: (a) the names of the defendants for whom it
22 accepts service; (b) the names of the defendants for whom it does not accept service,
23 and (c) the names of the defendants for whom it is filing the last-known-address
24 information under seal. As to any of the named defendants for whom the Attorney
25 General's Office cannot accept service, the Office must file, under seal, but will not serve
26 the inmate Plaintiff the last known address(es) of those defendant(s) for whom it has such
27 information. If the last known address of the defendant(s) is a post office box, the Attorney
28 General's Office must attempt to obtain and provide the last known physical address(es).

7. If service cannot be accepted for any of the named defendant(s), Plaintiff must file a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying a full name and address for the defendant(s). For the defendant(s) as to which the Attorney General has not provided last-known-address information, Plaintiff will provide the full name and address for the defendant(s).

8. If the Attorney General accepts service of process for any named defendant(s), such defendant(s) must file and serve an answer or other response to the complaint within sixty (60) days from the date of this order.

9. Henceforth, Plaintiff must serve upon defendant(s) or, if an appearance has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for consideration by the Court. Plaintiff must include with the original document submitted for filing a certificate stating the date that a true and correct copy of the document was mailed or electronically filed to the defendants or counsel for the defendants. If counsel has entered a notice of appearance, Plaintiff must direct service to the individual attorney named in the notice of appearance, at the physical or electronic address stated therein. The Court may disregard any document received by a district judge or magistrate judge which has not been filed with the Clerk, and any document received by a district judge, magistrate judge, or the Clerk which fails to include a certificate showing proper service.

10. This case is no longer stayed.

DATED THIS 16th day of October 2018.

UNITED STATES MAGISTRATE JUDGE